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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,418	07/13/2001	Sunil Kulkarni	US 019011	4726

38107 7590 03/02/2009  
PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
595 MINER ROAD  
CLEVELAND, OH 44143

EXAMINER
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MALEVIC, DJURA

ART UNIT	PAPER NUMBER
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2884

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03/02/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Thomas E. Kocovsky, Jr.  
1100 Superior Avenue  
Seventh Floor  
Cleveland, OH 44114-2579

In re Application of:  
Kulkarni, et al..  
Serial No.: 09/905,418  
Filed: July 13, 2001  
Attorney Docket No.:

PHUS019011US?PKRZ200876

DECISION ON PETITION  
FOR ENTRY OF THE AMENDMENT OF  
JANUARY 18, 2007

This is a decision in response to the communication filed April 30, 2007. The communication has been treated as a petition under 37 C.F.R. § 1.181, to enter the amendment filed with the Appeal Brief of January 18, 2007. No petition fee is required.

The petition is **DENIED**.

37 C.F.R. 41.33 (b) and (c). state clearly that "Amendments filed **on or after the date of filing a brief** pursuant to 41.37 may be admitted : (1) To cancel claims, where such cancellation does not affect the scope of any other pending claim in the proceeding, or (2) To rewrite dependent claims into independent form. (c) All other amendments filed after the date of filing an appeal pursuant to 41.31 (a)(1) through (a)(3) will not be entered except as permitted by 43.39 (b)(1), 41.50 (a)(2)(i), 41.50 (b)(1) and 41.50(c)" (emphasis added).

Appellant's amendment does not fall under any of these sections of the Rules and is therefore properly denied entry. Appellant's arguments regarding 37 C.F.R. 41.33(a) are not persuasive as 41.33(a) deals with amendments "filed after the date of filing an appeal pursuant to 41.31(a)(1) through (a)(3) and **prior to the date a brief is filed** pursuant to 41.37" (emphasis added).

Any inquiry regarding this decision should be directed to David P. Porta, Supervisory Patent Examiner, at (571) 272-2444.

The application file will continue to be processed for appeal.

Cassandra Spyrou, Acting Director  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components